IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO. 109 OF 2004

Shri Umesh Prakash Potdar Petitioner

Vs.

Shri Sanjay Chavan & ors. Respondents

Ms.Madhavi Tavanandi for petitioner.
Mr.S.G.Koregaonkar for respondent nos.1 to 3.

CORAM: B.H.MARLAPALLE,J.
August 11, 2005.

ORAL ORDER:

1. In MAC Petition No.481 of 2002 an application under section 140 of the Motor Vehicles Act, 1988 was taken out for interim claim on no fault liability and this was allowed by he learned Member of MACT, Kolhapur by his order dated 22/3/2004. The said order has been impugned in this revision application.

2. The arguments advanced before the Tribunal have been reiterated in this revision petition as well. While opposing the application under section 140 of the Motor Vehicles Act it was contended that there were three different vehicles allegedly involved in the accident that had taken place on 17-9-2001 near the Circuit House at Kolhapur (Line Bazar) and, therefore, the original Opponent No.1,

the present petitioner who is the owner of the two wheeler (Luna) bearing Registration No.MH-09-E-7073 was not liable to pay any compensation. The Tribunal referred to the FIR and noted that the Opponent No.1 was riding the Luna bearing No.MH-09-E-7073 and it hit another two wheeler coming from the opposite direction and bearing Registration No.MGJ-8150 and in this collision the deceased was hit by the vehicle of opponent no.1. The confusion was sought to be created by stating that the Luna hit the vehicle bearing No.MZG-8150. There is a difference between the series of "MZG" and "MGJ". This smoke of confusion was cleared by the Tribunal by holding that the correct number of the vehicle was MGJ-8150 and in any case the defence taken by the Opponent No.1 was not tenable. Obviously the said defence was taken only for defeating the claim and the contents of the FIR have been relied upon by the Tribunal. The reasoning given by the Tribunal in support of the impugned order granting an amount of Rs.50,000/- cannot be termed as erroneous or perverse on any count. Therefore, the challenge to the impugned award dated 22-3-2004 must fail.

3. The revision application is, therefore,

rejected summarily. Respondents shall apply to the Registrar to withdraw the deposited amount.

4. Oral application for continuation of ad-interim relief is hereby rejected.

(B.H.MARLAPALLE,J.)